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GOOGLE LLC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

JOSEPH TAYLOR, EDWARD MLAKAR,
MICK CLEARY, EUGENE ALVIS, and
JENNIFER NELSON, individually and on
behalf of all others similarly situated,

Plaintiffs,

v.

GOOGLE LLC,

Defendant.

Case No. 5:20-cv-07956-VKD

**DECLARATION OF MAX A. BERNSTEIN IN
SUPPORT OF GOOGLE LLC'S OPPOSITION
TO PLAINTIFFS' MOTION TO STAY**

Date: October 7, 2025
Time: 10:00 a.m.
Dept: Courtroom 2 – 5th Floor

1 I, Max A. Bernstein, declare as follows:

2 1. I am an attorney licensed to practice law in the State of California and am a partner
3 at Cooley LLP. I am counsel for Defendant Google LLC (“Google”) in this matter and submit this
4 declaration in support of Google’s Opposition to Plaintiffs’ Motion to Stay (“Motion”). I make this
5 declaration based on my personal knowledge and, if called as a witness, I could and would testify
6 competently to the matters stated herein.

7 2. Plaintiffs filed this action (“*Taylor*”) just weeks after the Santa Clara Superior Court
8 overruled Google’s demurrer in *Csupo v. Google*, Santa Clara Superior Court Case No. 19-cv-
9 352557 (“*Csupo*”). The plaintiffs in *Taylor* and *Csupo* are represented by the same attorneys.
10 However, *Csupo* is limited to a class of California Android users, whereas *Taylor*’s putative class
11 includes all other U.S. Android users.

12 3. Since the Ninth Circuit allowed Plaintiffs’ claims to advance beyond the pleadings
13 in *Taylor*, Plaintiffs have pressed for an expedited case schedule, resisting any significant delay of
14 the trial date in this Court. For example, after the trial in *Csupo*, Plaintiffs moved ahead with their
15 pending motion for class certification and the parties’ related expert challenges (“Pending
16 Motions”) in *Taylor*.

17 4. Immediately after the three-hour class certification hearing on August 19, 2025,
18 Plaintiffs insisted that a stay motion, which they had never mentioned before the August 19 hearing,
19 must now be heard as soon as possible. In fact, Plaintiffs requested that Google agree to an
20 expedited briefing schedule for the Motion so that a hearing could be set at an earlier date than the
21 default rules would otherwise allow.

22 5. If *Taylor* were stayed pending resolution of the appeal in *Csupo*, Google would face
23 mounting exposure as the *Taylor* class period continues to run, potentially adding hundreds of
24 millions or even billions of dollars in additional claimed damages and interest. In *Csupo*, for
25 example, Plaintiffs’ counsel contend—in a recently filed motion for equitable relief—that Google
26 should pay \$107,744.56 per day until Google complies with the Superior Court’s potential
27 injunctive relief or otherwise ceases the challenged practices. (*See Csupo* plaintiffs’ Motion for
28 Equitable Relief at 19.)

1 6. Google's motion for judgment notwithstanding the verdict or a new trial in *Csupo*
2 will only be heard by the Superior Court on October 7, 2025. The *Csupo* plaintiffs' motion for
3 equitable relief will only be heard on October 24, 2025.

4 7. Attached hereto as **Exhibit A** is a true and correct copy of the initial complaint in
5 *Csupo*, dated August 9, 2019.

6 8. Attached hereto as **Exhibit B** is a true and correct copy of a Joint Stipulation to Stay
7 Execution of Judgment Pending Appeal and Order filed in *Csupo*, dated July 11, 2025.

8 9. Attached hereto as **Exhibit C** are true and correct copies of excerpts of the transcript
9 from the August 19, 2025 hearing on Plaintiffs' motion for class certification and the parties'
10 respective expert challenges in *Taylor*.

11 10. Attached hereto as **Exhibit D** is a true and correct copy of the *Csupo* plaintiffs'
12 Motion for Equitable Relief in *Csupo*, dated August 11, 2025.

13 I declare under penalty of perjury under the laws of the United States and the State of
14 California that the foregoing is true and correct. Executed on September 16, 2025 in San Francisco,
15 California.



Max A. Bernstein

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